

'00 MAR 15 P5:44

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

RECEIVED BY:

SENATE

COMMITTEE REPORT NO. 200

Submitted by the Committees on Environment and Natural Resources and
Finance on 15 MAR 2000

RE: SB No. 1956 prepared by the Committees

Recommending its approval in substitution of HB No. 7275

Sponsor: Senator Robert S. Jaworski

Mr. President:

The Committees on Environment and Natural Resources and Finance to which
was referred HB No. 7275 introduced by Representatives Acosta, Angara, et al., entitled:

**"AN ACT
TO MANAGE CAVES AND CAVE RESOURCES AND FOR
OTHER PURPOSES"**


have considered the same and have the honor to report it back to the Senate with the
recommendation that the attached bill, SB No. 1956 prepared by the
Committees, entitled:

**"AN ACT
TO MANAGE CAVES AND CAVE RESOURCES AND FOR
OTHER PURPOSES"**

be approved in substitution of HB No. 7275 with Senators Jaworski and Osmeña J, as
authors thereof.

Respectfully submitted:


JOHN H. OSMEÑA
Chairman
Committee on Finance


ROBERT S. JAWORSKI
Chairman
Committee on Environment
and Natural Resources


GREGORIO B. HONASAN

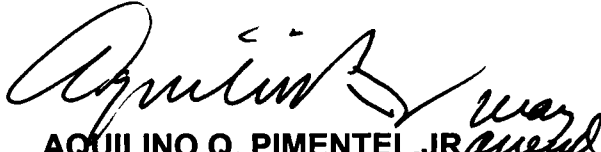

SERGIO R. OSMEÑA III

VICE CHAIRPERSONS


LOREN LEGARDA-LEVISTE


ANNA DOMINIQUE M.L. COSETENG


SEN. RAMON B. REVILLA
MEMBERS


AQUILINO Q. PIMENTEL, JR.


RODOLFO G. BIAZON


VICENTE C. SOTTO III


FRANCISCO S. TATAD


RENATO L. "COMPAÑERO" CAYETANO


JUAN PONCE ENRILE


RAMON B. MAGSAYSAY JR.


TERESA AQUINO-ORETA


RAUL S. ROCO


ROBERT Z. BARBERS


JUAN M. FLAVIER

EX-OFFICIO MEMBERS:


TEOFISTO T. GUINGONA, JR.
Minority Leader

BLAS F. OPLE
Senate President


FRANKLIN M. DRILON
Majority Leader

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

'00 MAR 15 P5:45

SENATE

RECEIVED BY:

S.B. No. 1956

Prepared by the Committee on Environment and Natural Resources,
with Senator Robert S. Jaworski and all the members of the Committee as authors
thereof

**AN ACT
TO MANAGE AND PROTECT CAVES AND CAVE RESOURCES AND FOR
OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. *Title.* – This Act shall be known as the “National Caves and Cave
Resources Management and Protection Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
State to conserve, protect and manage caves and cave resources as part of the country’s
natural wealth. Towards this end, the State shall strengthen cooperation and exchange of
information between governmental authorities and people who utilize caves and cave
resources for scientific, educational, recreational, tourism and other purposes.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
terms shall be defined as follows:

- (a) “Cave” means any naturally occurring void, cavity, recess or system of
interconnected passages beneath the surface of the earth or within a cliff or
ledge and which is large enough to permit an individual to enter, whether
or not the entrance, located either in private or public land, is naturally
formed or man-made. It shall include any natural pit, sinkhole or other
feature which is an extension of the entrance. The term also includes cave

resources therein, but not any vug, mine tunnel, aqueduct or other man-made excavation;

- (b) "Cave resources" includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems;
- (c) "Secretary" means the Secretary of the Department of Environment and Natural Resources (DENR);
- (d) "Speleogem" means relief features on the walls, ceilings and floor of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses, scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves;
- (e) "Speleothem" means any natural mineral formation or deposit occurring in a cave or lava tube, including but not limited to any stalactite, stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone or formation of clay or mud;
- (f) "Significant cave" refers to a cave which contains materials or possesses features that have archaeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe.

SEC. 4. *Implementing Agency.* – The DENR shall be the lead agency tasked to implement the provisions of this Act in coordination with the Department of Tourism (DOT), the National Museum and concerned local government units (LGUs) for specific caves, except that in the Province of Palawan, the Palawan Council for Sustainable Development shall be the lead implementing agency pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan Act.

S.B. No. _____

SEC. 5. *Powers of Functions of the Department of Environment and Natural Resources (DENR).* – In the implementation of this Act, the DENR shall exercise the following powers and functions:

- (a) Formulate, develop and implement a national program for the management, protection and conservation of caves and cave resources;
- (b) Disseminate information and conduct educational campaign on the need to conserve, protect and manage our caves and cave resources;
- (c) Issue permits for the collection and removal of guano and other cave resources which shall be determined in coordination with the DOT, the National Museum, concerned LGUs, the scientific community and the academe, with regard to specific caves taking into consideration biodiversity as well as the aesthetic and archaeological value of the cave: *Provided*, That the permittee shall be required to post a bond to ensure compliance with the provisions of any permit: *Provided, further*, That any permit issued under this Section shall be revoked by the Secretary when the permittee violates any provision of this Act or fails to comply with any other condition upon which the permit was issued: *Provided, furthermore*, That the Secretary cannot issue permits for the removal of stalactites and stalagmites, and when it is established that the removal of the resources will adversely affect the value of a significant cave: *Provided, finally*, That caves located within a protected area shall be subject to the provisions of Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992;
- (d) Call on any local government unit, bureau, agency, state university or college and other instrumentalities of the government for assistance as the need arises in the discharge of its functions;

- (e) Enter into a memorandum of agreement with any local government unit (LGU) for the preservation, development and management of cave or caves located in their respective territorial jurisdiction;
- (f) Tap the cooperation of people's and non-governmental organizations as active partners in the conservation and protection of our caves and cave resources; and
- (g) Exercise other powers and perform other functions as may be necessary to implement the provisions of this Act.

SEC. 6. *Information Concerning the Nature and Location of Significant*

Caves. – Information concerning the nature and specific location of a potentially significant cave shall not be made available to the public within one (1) year after its delivery by the DENR, during which time the DENR, in coordination with the DOT, the National Museum, concerned LGUs, the scientific community and the academe, shall assess its archaeological, cultural, ecological, historical and scientific value, unless a written request is made and the Secretary determines that disclosure of such information will further the purpose of this Act and will not create a substantial risk of harm, theft or destruction on such cave.

The written request shall contain, among others, the following:

- (a) a description of the geographic site for which the information is sought;
- (b) an explanation of the purpose for which the information is sought; and
- (c) an assurance or undertaking satisfactory to the Secretary that adequate measures are to be taken to protect the confidentiality of such information and to ensure the protection of the cave from destruction by vandalism and unauthorized use.

SEC. 7. *Prohibited Acts.* – The following shall be considered prohibited

acts:

- (a) Knowingly destroying, disturbing, defacing, marring, altering, removing or harming the speleogem or speleothem of any cave or altering the free movement of any animal or plant life into or out of any cave;
- (b) Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority any cave resource; and
- (c) Counseling, procuring, soliciting or employing any other person to violate any provision of this Section.

SEC. 8. *Penalties.* – Any person found guilty of any of the offenses enumerated under Section 7 hereof shall be punished by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty thousand pesos (P20,000.00) to Five hundred thousand pesos (P500,000.00) or both, at the discretion of the Court: *Provided,* That the person furnishing the capital to accomplish the acts punishable herein shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) or both, at the discretion of the Court: *Provided, further,* That if the area requires rehabilitation or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practicable, or compensate for the damage: *Provided, finally,* That if the offender is a government employee, he or she shall likewise be removed from office.

SEC. 9. *Administrative Confiscation and Conveyance.* – The Secretary shall order the confiscation in favor of the government of the cave resources gathered, collected, removed, possessed or sold including the conveyances and equipment used in violation of Section 7 hereof.

SEC. 10. *Fees.* – Any money collected by the DENR as permit fees for collection and removal of cave resources, as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of such permit issued under this Act or by way of fines for violations of this Act shall be remitted to the National Treasury.

SEC. 11. *Implementing Rules and Regulations.* – The DENR shall, within six (6) months from the effectivity of this Act, issue rules and regulations necessary to implement the provisions hereof.

SEC. 12. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 13. *Separability Clause.* – If any provision of this Act is subsequently declared unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 14. *Repealing Clause.* – Presidential Decree No. 1726-A is hereby modified. Treasure hunting in caves shall be governed by the provisions of this Act.

Except Presidential Decree No. 412 and Republic Act No. 4846, all other laws, decrees, orders and regulations, or parts thereof, which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 15. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in two (2) national newspaper of general circulation.

Approved,